

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 1, 13 and 24. Accordingly, claims 1-35 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 101

The Examiner rejected claims 1-34 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The Applicant has amended the claims 1, 13 and 24 to direct them toward statutory subject matter, specifically, a method, system and computer program for despreading data in a RAKE receiver by selecting delays. The Examiner's consideration of the amended claims is respectfully requested.

Claims 2-12 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Claims 14-23 depend from amended claim 13 and recite further limitations in combination with the novel elements of claim 13. Claims 25-34 depend from amended claim 24 and recite further limitations in combination with the novel elements of claim 24. Therefore, the allowance of claims 1-34 is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1-35 under 35 U.S.C. § 103(a) as being unpatentable over Wang, et al. (US 2001/0028677) ("Wang") in view of Newson, et al. (US 6,320,898). Wang was filed April 30, 2001 and published October 11, 2001. The present application claims priority to a provisional application filed September 23, 2002. Further, Wang is co-owned by the assignee of the present application. A Declaration of Common Ownership is filed contemporaneously herewith. Inasmuch as Wang is properly excluded as a reference under 35 U.S.C. § 103(a), the allowance of claims 1-35 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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